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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,205	03/27/2000	Kayla R. Klingman	6836-US	3499

7590

03/29/2002

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EXAMINER

CHUNG, DANIEL J

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/536,205

Applicant(s)

KLINGMAN ET AL.

Examiner

Daniel J Chung

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

Receipt is acknowledged of Applicant's Information Disclosure Statement of 6-24-2000, which has been placed in the application file and considered by the Examiner.

Drawings

The drawings are not objected to by the Examiner.

Specification

Please review the application and correct all informalities.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Etheridge et al (5,986,637).

Regarding claim 1, Etheridge et al discloses that the claimed feature of a method of operating an oscilloscope that is capable of displaying simultaneously multiple waveforms representing time evolution of a signal during respective acquisition intervals, comprising:

a) acquiring[30] waveform data using a first set of acquisition parameters (See Fig 1, Fig 3)

b) generating[50] a display based on the waveform data acquired in step a), in the event that the display generated in step b) includes a waveform that is visually distinct from other displayed waveforms (See Fig 1, Fig 3, Abstract, col 11 line 44-46)

c) selecting[57] a feature[i.e. "threshold number", "color"] that distinguishes the visually distinct waveform from other displayed waveforms, (See Fig 1, Fig 3, Abstract, col 11 line 46-51)

d) automatically deriving[55,57] acquisition parameters that discriminate between the selected feature and other features of the displayed waveforms, (See Fig 1, Fig 3, Abstract, col 3 line 35-col 4 line 6, col 11 line 20-col 12 line 17)

e) acquiring[30] waveform data using the acquisition parameters derived in step d), and

f) generating[50] a display["new composited image"] based on the waveform data acquired in step e) (See Fig 1, Fig 3, Abstract, col 3 line 35-col 4 line 6, col 11 line 20-col 12 line 17)

Regarding claim 2, Etheridge et al discloses that step c) includes graphically defining a template that specifies the selected feature and step d) includes employing information regarding the template to derive additional acquisition parameters. (See Fig 1, Fig 3, col 12 line 9-16)

Regarding claim 3, Etheridge et al discloses that the oscilloscope has multiple trigger modes[20], step c) includes graphically defining a template that specifies the selected feature and step d) includes employing information regarding the template to select a trigger mode for preferentially acquiring waveforms that include the selected feature. (See Fig 1, Fig 2, Fig 3, Abstract, col 3 line 35-col 4 line 6)

Regarding claim 6, claim 6 is similar in scope to the claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claim 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Etheridge et al in view of Taraki. (5,742,276)

Regarding claim 4, Etheridge et al discloses that the template is a scalable rectangular box and step c) includes positioning and sizing the box so that it contains the selected feature. (See Fig 1, Fig 3, Abstract, col 3 line 35-col 4 line 6)

Etheridge et al does not specifically disclose that "the template is a rectangular box". However, Taraki teaches such feature["box" as template] of claimed invention. (See Fig 2-5) The motivation would have been to provide clear visual representation for selecting various display parameters with easy manner. Therefore, it would have been obvious to one skilled in the art to incorporate the teaching of Taraki into the teaching of Etheridge et al.

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Regarding claim 5, refer to the discussion for the claim 1 and 4 hereinabove, Taraki discloses that the oscilloscope has a display screen on which the waveforms are displayed and the template is a sketch generated on the display screen. (See Fig 2-5)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc
March 20, 2002

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M'.

MATTHEW LUU
PRIMARY EXAMINER